

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

v.

CLIFTON PAPE (1)

SALLY JUNG (2)

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No. 5:21-CR-8

MOTION FOR A PRELIMINARY ORDER OF FORFEITURE

The government respectfully requests a preliminary order of forfeiture in this case.

In support of its motion, the government states as follows:

1. On February 10, 2021, a Grand Jury sitting in the Eastern District of Texas returned an indictment against defendants **Clifton Pape** and **Sally Jung**, charging violations of 18 U.S.C. § 1343, wire fraud.

2. The indictment included a Notice of Intention to Seek Criminal Forfeiture pursuant to 18 U.S.C. § 982(a)(8) that provided notice the government intended to seek forfeiture of defendants' interest in the following:

a. United States Currency

The \$505,535.04 in United States currency seized on January 12, 2021, from the Wells Fargo Bank account in the name of Working4U Inc. with an account number ending in 9808.

b. Cash Proceeds

A sum of money equal to \$175,175.27 in United States currency and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by the defendants as a result of the offenses alleged in the indictment, for which defendants are personally liable.

3. Defendants **Clifton Pape** and **Sally Jung** each appeared before United States Magistrate Judge Caroline Craven for the Eastern District of Texas on April 28, 2022, and May 5, 2022, respectively, and pursuant to written plea agreements with the government both defendants pleaded guilty to Count Two of the indictment. As part of the defendants' plea agreements, the defendants agreed to forfeit the above-described property, including but not limited to \$175,175.27 in U.S. currency, and all interest and proceeds traceable thereto, representing the amount of proceeds obtained by defendants as a result of the offense alleged in Count Two of the indictment and for which defendants are personally liable.

4. By virtue of the plea agreements, the government has established the requisite basis for the forfeiture of cash proceeds from each defendant in the amount of \$175,175.27 to the United States pursuant to 18 U.S.C. § 982(a)(8). The parties also agree that the forfeiture should be imposed as a joint and several liability, with a total forfeiture of \$175,175.27 from both defendants.¹

¹ Joint and several liability is appropriate in this case where both defendants have agreed that they are personally liable for the \$175,175.27 and “all the funds involved in the conspiracy passed through a bank account that [they both] controlled.” *United States v. Saccoccia*, 1 F.4th 64, 70 (1st Cir. 2021).

5. Upon the issuance of a preliminary order of forfeiture, the government will provide written notice to all third parties asserting a legal interest in any of the above-described currency to be forfeited, and will publish notice at www.forfeiture.gov of the Court's Order and the United States' intent to dispose of the property to be forfeited in such manner as the Attorney General may direct. Pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461, no ancillary proceeding is required to adjudicate the interests of third parties relative to the forfeiture of cash proceeds obtained by the defendants in the amount of \$175,175.27.

Conclusion

The government respectfully requests that the Court issue the proposed preliminary order of forfeiture and forfeit to the government defendants' interest in the property described above.

Respectfully submitted,

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I certify that the foregoing instrument has been served on counsel for defendants on June 30, 2022, via the court's CM/ECF system.

/s/ Jonathan R. Hornok
JONATHAN R. HORNOK

CERTIFICATE OF CONFERENCE

I have conferred with counsel of record for defendants regarding the merits of this motion. The motion is UNOPPOSED.

/s/ Jonathan R. Hornok
JONATHAN R. HORNOK